

# EXHIBIT C.32

(2 of 2)

1 HUSSEIN AL SHEIKH

2 is a member of the Central Committee, but  
3 he is in charge of the Finance of Fatah.

4 A. (Translator.) Correct.

5 Q. To explain what I mean by the  
6 words, I am describing Mr. Queri as having  
7 the finance portfolio, if you will.

8 A. (Translator.) Correct.

9 Q. Does anybody else, any other  
10 member of the Central Committee, have some  
11 other portfolio?

12 A. (Translator.) Of course.

13 Q. So, who?

14 A. (Translator.) Abdallah El  
15 Franji is responsible for foreign affairs  
16 for Fatah.

17 Q. Only talking about Fatah; who  
18 else?

19 A. (Translator.) Farouk el  
20 Kadoumi, abroad, he has a problem.

21 Q. What is his problem?

22 A. (Translator.) Since he is not  
23 committed to the policy line that Abu Mazen  
24 carries, there is also Hakam Baloui. He is  
25 the Secretary of the Central Committee.

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2 Abbas Zaki; he is responsible of the  
3 Palestinian portfolio in Lebanon, et  
4 cetera.

5 Q. I just want to clarify about  
6 Mr. Kadoumi. You said he has a problem,  
7 but does he have a portfolio?

8 A. (Translator.) Currently he is  
9 carrying no official portfolio.

10 Q. How well did you know Yasser  
11 Arafat?

12 A. (Translator.) Good.

13 Q. Did you consider him a friend,  
14 or just somebody you knew from work, or  
15 something else?

16 A. (Translator.) I considered him  
17 a leader and responsible.

18 Q. In the period of 2000 to 2004,  
19 did you meet with Mr. Arafat?

20 A. (Translator.) Of course.

21 Q. How often?

22 A. (Translator.) Hundreds of  
23 times.

24 Q. Was that for social purposes or  
25 business purposes?

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2 A. (Translator.) Things which are  
3 connected to Fatah.

4 Q. Did you receive directives or  
5 instructions from Mr. Arafat during that  
6 period?

7 A. (Translator.) Instructions in  
8 what field?

9 Q. Anything connected to Fatah.

10 A. (Translator.) I used to  
11 receive daily instructions from him.

12 Q. Was that verbally or in  
13 writing?

14 A. (Translator.) Mostly verbally.

15 Q. Did you ever receive written  
16 instructions from him?

17 A. (Translator.) In what field?

18 Q. Something connected with Fatah.

19 A. (Translator.) Of course, but I  
20 cannot remember what was verbally and what  
21 was written.

22 Q. Did you ever write to Mr.  
23 Arafat about anything?

24 A. (Translator.) Hundreds of  
25 letters.

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2 Q. What types of issues would you  
3 have written to Mr. Arafat, and I'm talking  
4 about 2000 to 2004.

5 A. (Translator.) I used to write  
6 him for giving medical treatment for  
7 families who cannot afford it, for their  
8 children. I used to ask him for assistance  
9 and help for students who are in need so  
10 they can go for studies, and also social  
11 assistance for deprived families.

12 Q. Why would you write those  
13 letters to Mr. Arafat and not to Mr. Qurei  
14 who you told us handled the finances?

15 A. (Translator.) I was not the  
16 one who determined where it should be  
17 directed. The one who determined that was  
18 Yasser Arafat, who was the Commander.  
19 Because Abu Ala does not have a direct  
20 responsibility upon me, Abu Amar had direct  
21 responsibility upon me.

22 Q. Let me clarify. Is it fair to  
23 say that if you felt that a particular  
24 student should receive financial aid, you  
25 would have written to Mr. Arafat, asking to

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2 give money to this student, and if Mr.  
3 Arafat agreed, he asked Mr. Qurei to  
4 disburse the money?

5 A. (Translator.) Not necessarily  
6 from Qurei. The one who determined from  
7 whom to receive the money, that was Yasser  
8 Arafat.

9 Q. Let me break it down. You  
10 would ask Mr. Arafat to give money to Mr.  
11 X, and if Mr. Arafat agreed, he would  
12 direct somebody, he would pick to disburse  
13 the money?

14 A. (Translator.) Correct.

15 Q. And what we are talking about  
16 is the money of Fatah. We are not talking  
17 about the Palestinian Authority or PLO?

18 A. (Translator.) Fatah and PLO  
19 are the same because the Fatah and the PLO  
20 budget are with Arafat.

21 Q. During the period of 2000 to  
22 2004, who directed the budget of the PA?

23 A. (Translator.) Do you mean the  
24 Minister of Finance?

25 Q. I don't mean any particular

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2 person. I am asking you.

3 A. (Translator.) What do you mean  
4 the money of PA?

5 Q. I will clarify. In the period  
6 2000 to 2004, who was in charge of making  
7 decisions of spending the money of the PA?

8 A. (Translator.) Again I cannot  
9 understand the question. It is not clear  
10 enough. In the PA there is a Minister of  
11 Finance. If I am not mistaken, I think it  
12 was Salam Fayad, if this is what you mean  
13 by your question. And who determines the  
14 financial policy is Salam Fayad.

15 Q. What was Yasser Arafat's role  
16 in the PA between 2000 and 2004?

17 A. (Translator.) Do you mean his  
18 status or his capacity in the PA?

19 Q. Yes.

20 A. (Translator.) At that time he  
21 was the head of the PA and the PLO.

22 Q. He was the President and the  
23 Prime Minister?

24 A. (Translator.) The President  
25 and the Prime Minister at the same time.

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2 Q. Did he hold any other positions  
3 besides the President and the Prime  
4 Minister?

5 A. (Translator.) In government?

6 Q. In the PA government.

7 A. (Translator.) This is what I  
8 remember were the official capacities of  
9 Yasser Arafat. Previously, before 2000, he  
10 used to take the capacity of Interior  
11 Minister sometimes, but I cannot remember  
12 at what periods.

13 Q. As President and Prime Minister  
14 of the Palestinian Authority, between 2000  
15 and 2004, did Yasser Arafat have any  
16 authority over expenditures of the  
17 Palestinian Authority?

18 A. (Translator.) Of course, he  
19 was the President.

20 Q. You told us, sir, that you  
21 would often write letters to Mr. Arafat  
22 asking him to award money from Fatah to  
23 particular people.

24 A. (Translator.) Correct.

25 Q. Do you have any idea, sir, how



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2 much money was awarded by Fatah altogether  
3 as a result of your requests?

4 A. (Translator.) I cannot count  
5 them.

6 Q. Can you give it in order of  
7 magnitude? Are we talking hundreds of  
8 dollars, thousand of dollars, hundreds of  
9 thousands of dollars?

10 A. (Translator.) I would say  
11 hundreds of thousands of dollars.

12 Q. Do you have any idea what the  
13 annual expenses of Fatah were during the  
14 period of 2000 to 2004?

15 A. (Translator.) No, it is not  
16 part of my expertise.

17 Q. Are you familiar with an  
18 individual named Mohammed Rashid?

19 A. (Translator.) Of course.

20 Q. Who is Mohammed Rashid?

21 A. (Translator.) He was  
22 responsible for the investment fund.

23 Q. What investment fund?

24 A. (Translator.) I have no idea  
25 about it.

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2 Q. Who told you that Mr. Rashid  
3 was responsible for the investment fund?

4 A. (Translator.) I am a  
5 responsible person at Fatah, so I should  
6 know. I am not saying a secret here. This  
7 was told and published. Even in the media  
8 it was told that Mohammed Rashid was  
9 leading that.

10 Q. Was the investment fund that  
11 Mohammed Rashid was involved with part of  
12 Fatah?

13 A. (Translator.) This is an  
14 investment fund for the PA.

15 Q. Not part of Fatah?

16 A. (Translator.) I do not know if  
17 there is a connection to it, but this is  
18 not part of my capacity or expertise.

19 Q. Did Mr. Rashid have a title  
20 that you're aware of?

21 A. (Translator.) I do not know if  
22 he had any title, but I know that he was  
23 responsible of the investment fund in the  
24 PA.

25 MR. HIBEY: I'm going to ask

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2 you again. Give me some sense of  
3 what these questions are.

4 MR. TOLCHIN: I would be happy  
5 to talk to you about it when we have  
6 no dialogue on the record.

7 MR. HIBEY: I object.

8 MR. TOLCHIN: Go ahead and  
9 object. You know that relevance is  
10 not the standard.

11 MR. HIBEY: I'm kind of calling  
12 on you as an Officer of the Court  
13 that at least not abuses the  
14 privilege of being able to take  
15 wide-ranging discovery, but this is  
16 crazy. I'm asking you to think about  
17 this as you proceed. The man says he  
18 does not know about details that you  
19 have been asking him.

20 MR. TOLCHIN: Please stop  
21 coaching the witness. Everything you  
22 said is being translated to him. If  
23 you are going to continue, it is  
24 fine. We will have to ask the  
25 witness to step down until you are

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2 done.

3 MR. HIBEY: You can do that,  
4 but I've said what I wanted to say.  
5 I'm asking you to make a proffer on  
6 relevance.

7 Q. We are ready to continue.

8 Between 2000 and 2004, did  
9 Fatah have employees?

10 A. (Translator.) Where, in China,  
11 here?

12 Q. If Fatah had salaried employees  
13 in China, then tell me that.

14 A. (Translator.) There might be a  
15 representative of Fatah in China.

16 Q. Beside China, did Fatah have  
17 employees anywhere else?

18 A. (Translator.) Fatah has  
19 employed most of the people in the PA.  
20 First of all, we were responsible for the  
21 political procedures with Israel. And we  
22 were the ones who signed the Oslo Agreement  
23 with Israel. And the larger part of the  
24 employees of the PA belonged to Fatah,  
25 because it was the one which signed the

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2 Oslo Agreement with the Israelis. And most  
3 of the political factions were against the  
4 Oslo Agreement.

5 Q. So how many employees of Fatah  
6 were there between 2000 and 2004?

7 A. (Translator.) Salaries from  
8 whom?

9 Q. Employees of Fatah.

10 A. (Translator.) There is nothing  
11 like employees for Fatah. Do you mean  
12 employees of the PA?

13 Q. Let me take a step back. Maybe  
14 this will help clarify it, instead of me  
15 putting words in your mouth, which I see  
16 would be useless.

17 Can you explain to us in your  
18 words, the relationship between Fatah and  
19 the PLO and the PA? I'm talking about 2000  
20 to 2004.

21 A. (Translator.) The relationship  
22 between the PA, the PLO, and the Fatah, are  
23 complex relations. First of all, Fatah is  
24 part of the PLO, along with other political  
25 factions who also believe in the PLO

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2 policy.

3 Fatah is the larger group  
4 within the PLO, and it was the one who  
5 signed the Oslo Agreement through the PLO,  
6 which led in itself for the establishment  
7 of the PA, and, I mean, the Oslo Agreement.

8 In 1994, once moving to the  
9 practical application of the Oslo  
10 Agreement, the larger part of  
11 responsibility of establishment and  
12 creation and constructing of the PA fell on  
13 Fatah.

14 For example, all the security  
15 agencies, all Palestinian apparatus, its  
16 construction, was combined from Fatah.  
17 Thousands of Fatah members who came from  
18 abroad, came from Lebanon, Syria, Jordan,  
19 Tunis and Yemen, who were fighters of  
20 Fatah, returned to the West Bank and the  
21 Gaza Strip, according to the Oslo  
22 Agreement, and started to construct the  
23 apparatus security. And at that time there  
24 was need to the Oslo Agreement, and it  
25 still remains Hamas Movement.

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2 The main role and  
3 responsibility that fell on these security  
4 systems was to confront all these anti-Oslo  
5 Agreement streams, who believe in violence  
6 and in continuing the violence.

7 Therefore, the main role of  
8 protecting the PA and constructing the PA  
9 structure, whether on the civil or the  
10 security level, relied heavily on Fatah and  
11 on the groups or streams that supported the  
12 Oslo Agreement.

13 Where can we find the  
14 separation between PA and Fatah? Each  
15 employee in the PA, who belongs to Fatah in  
16 the general possession that belongs to the  
17 PA, was not working practically in Fatah as  
18 a political organizational community, as a  
19 general public organization.

20 For instance, the  
21 responsibilities which were ascribed for a  
22 member of Fatah, who is merely occupied  
23 with working with the public and the  
24 unions, are not the same missions and  
25 responsibilities, and ascribed for the

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2 member of Fatah, who is working for the PA.

3 Is this clear?

4 Q. I think so.

5 So you told us earlier that  
6 when you were secretary of Fatah in the  
7 West Bank, you had 14 Deputies or  
8 Secretaries below you in different  
9 districts in the West Bank?

10 A. (Translator.) Not Deputies.  
11 They are Secretaries each in its own area.

12 Q. So you had 14 Secretaries each  
13 in their own area. Were those 14  
14 individuals paid for their work as  
15 Secretaries?

16 A. (Translator.) No, most of them  
17 were volunteers.

18 Q. Did those 14 Secretaries  
19 receive any salaries from the Palestinian  
20 Authority?

21 A. (Translator.) I have no idea  
22 is any of them were receiving salaries from  
23 the PA.

24 Q. Between 2000 and 2004, did  
25 Fatah have offices anywhere?



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2 A. (Translator.) Yes, of course.

3 In all the area of the West Bank and in the  
4 Gaza Strip.

5 Q. Did Fatah have a main office?

6 A. (Translator.) Yes, of course.

7 Q. Where was the main office of  
8 Fatah?

9 A. (Translator.) The headquarters  
10 was where Yasser Arafat was, because he is  
11 the General Commander of the movement.

12 Q. Was that location known as the  
13 Mukata?

14 A. (Translator.) Correct.

15 Q. So the Mukata was where the  
16 main office of Fatah was located?

17 A. (Translator.) There are  
18 others.

19 Q. There are other what?

20 A. (Translator.) There are other  
21 offices.

22 Q. Other main offices?

23 A. (Translator.) For instance,  
24 Abu Ala also had a main office as well as  
25 Hakam Balauai also had a main office. Also,

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2 Abdallah el Franji had an office for  
3 external relations. The headquarters of  
4 the head command since Abu Amar was the  
5 General Commander was at the Makata.

6 Q. Is it correct that the Mukata  
7 was also the main office of the PA?

8 A. (Translator.) Of course, since  
9 the PA was also Yasser Arafat.

10 Q. Was the Mukata also the main  
11 office of the PLO?

12 A. (Translator.) Correct, since  
13 Yasser Arafat was also the head of the  
14 Executive Committee of the PLO.

15 Q. We are talking about 2000 to  
16 2004?

17 A. (Translator.) Correct.

18 Q. You mentioned that there were  
19 some other main offices of Fatah. Did you  
20 say, sir, that there were other main  
21 offices of Fatah?

22 MR. McALEER: Object to the  
23 form.

24 A. (Translator.) Correct.

25 Q. Were those other main offices

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2 of Fatah also offices of the PA?

3 A. (Translator.) No, incorrect.

4 Q. Which offices were main offices  
5 of Fatah that were not offices of the PA?

6 A. (Translator.) All offices of  
7 Fatah were not offices of the PA, except  
8 the office of Yasser Arafat.

9 Q. Were there any people who  
10 worked in the Mukata, who were specifically  
11 working for Fatah and not for the PA?

12 A. (Translator.) I do not know  
13 exactly. I never asked the people who were  
14 there whether they were working for the PA  
15 or Fatah.

16 Q. Between 2000 and 2004, who  
17 owned the Mukata?

18 A. (Translator.) What do you mean  
19 by owned?

20 Q. Who was the owner of the  
21 building, the land?

22 A. (Translator.) The PA.

23 Q. Who paid the utilities,  
24 electricity, water, telephones?

25 A. (Translator.) I do not know,

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2 of course. It was not part of my  
3 responsibilities.

4 Q. The other offices of Fatah that  
5 you told us were not offices of the PA,  
6 were those rented offices?

7 A. (Translator.) Part of them  
8 were rented and part of them were owned,  
9 but I do not know which are which.

10 Q. The ones that were owned, do  
11 you know who owned them?

12 A. (Translator.) I do not know.

13 Q. The ones that were rented, do  
14 you know who paid the rent?

15 A. (Translator.) The finances of  
16 Fatah.

17 Q. Did the finances of Fatah also  
18 pay the utilities for those offices?

19 A. (Translator.) Not necessarily,  
20 but I do not know these details because  
21 this was not part of my work and my  
22 employment.

23 Q. When you would request from Mr.  
24 Arafat -- and I'm specifically talking  
25 about from 2002 to 2004 -- you would

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2 request that he give money to particular  
3 people, and he would direct that money to  
4 be given, what process was used to disburse  
5 the money of Fatah? In other words, would  
6 it be by check, by wire transfer, by cash,  
7 or some other form?

8 A. (Translator.) For instance, I  
9 used to present to Abu Amar humanitarian  
10 aid. The instance, I presented to him ten  
11 people. For example, let's say he would  
12 wire to each person 800, 600, 1000 dollars.  
13 I would not hold in my hand one penny even.  
14 It would reach the beneficiary directly,  
15 whether by check or by bank transaction.

16 Q. So Fatah would use checks or  
17 bank transactions to give people money?

18 A. (Translator.) Not necessarily  
19 Fatah, but the body that was given order by  
20 Arafat would provide the money?

21 Q. When you were secretary of  
22 Fatah, you had to ask Mr. Arafat to award  
23 money to individuals for whatever purpose.  
24 Is it your testimony, sir, that sometimes  
25 Mr. Arafat would direct that money to be

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2 given to the individual but from some place  
3 else other than Fatah?

4 MR. McALEER: Objection as to  
5 form.

6 Q. You can answer.

7 A. (Translator.) Let me clarify.  
8 Some assistance were issued directly from  
9 Fatah. According to the rules and the  
10 basic law of the PA, the government  
11 allocates the Ministry of Finance a certain  
12 amount of money to the political parties  
13 according to the basic law.

14 Since Fatah is a political  
15 party, it has an allocation of amount of  
16 money, the people's part has an amount  
17 which is allocated to it. The Democratic  
18 Front has a budget of its own.

19 And why am I stating this; to  
20 prevent any outside money to get into the  
21 country. For instance, I do not want Iran  
22 to send money to establish a party within  
23 the country. So also to maintain that,  
24 there is supervision on the money and its  
25 conductors. That is what I meant when I

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2 said that Arafat can allocate the money  
3 from Fatah or from other sources as well.

4 MS. GITLIN: The tape is  
5 finishing now at 6:45 p.m.

6 (A recess transpired.)

7 MS. GITLIN: It is tape number  
8 6, starting at 6:46 p.m. This is the  
9 Commissioner Amy Gitlin, business  
10 address Nahal Katlav 7/3 Bet Shemesh,  
11 Israel.

12 This is the deposition of  
13 Hussein al Sheikh, taking place in  
14 Jerusalem, Israel, on April 1st,  
15 2009.

16 A. (Translator.) I want the last  
17 sentence, to repeat it.

18 I stated that the basic law  
19 allows for political action for legitimate  
20 and legal by the political parties. I am  
21 requesting that this speech will be  
22 translated accurately.

23 Q. We want everything translated  
24 accurately.

25 A. (Translator.) Each party

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2 receives a budget from the Finance  
3 Ministry. Each organization or party is  
4 free to use these monies as he sees fit,  
5 within the legal political activity.  
6 Therefore, when I stated that Abu Amar was  
7 sometimes allocating money from Fatah or  
8 from other parties, that is why I was  
9 referring to the fact that Abu Amar was  
10 using the money, his share that was  
11 allocated to the Fatah party from the  
12 Ministry of Finance.

13 Q. Was giving money to students or  
14 to people for medical treatment or social  
15 assistance, was that considered legitimate  
16 political uses of money allocated by the PA  
17 to Fatah?

18 A. (Translator.) Another  
19 clarification, please. Not everything that  
20 Arafat signed for me was deducted from the  
21 Fatah budget.

22 Let's say, for instance, there  
23 is a ten-year-old child who suffers from  
24 cancer and needs treatment in Israel. That  
25 person, a child who is ten years old, knows



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2 nothing about the different political  
3 parties, Fatah, Democratic Front, or  
4 anything else.

5 Yasser Arafat would refer this  
6 letter to the Ministry of Health and the  
7 Ministry of Finance. Is this clear? And  
8 sometimes, since Abu Amar could not give  
9 money from the PA, when I requested  
10 something from him for Fatah, he used to  
11 give it from the budget of Fatah.

12 Q. So just using your example of  
13 the child who needs treatment for cancer,  
14 was there any circumstance where such a  
15 case would have been considered something  
16 for Fatah go give money to?

17 A. (Translator.) As I told you,  
18 that does not mean necessarily that this  
19 ten-year-old boy would receive the money  
20 from Fatah, because the PA is responsible  
21 for the Palestinian people and not only  
22 Fatah is responsible for the Palestinian  
23 people. A ten-year-old boy is the  
24 responsibility also of the PA.

25 Q. But sometimes the PA would not

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2 have money available; is that correct?

3 A. (Translator.) Please repeat  
4 the question.

5 MR. TOLCHIN: Let's do this,  
6 let's take a little break.

7 What is the time Madame Commissioner?

8 MS. GITLIN: We are taking a  
9 break at 6:53 p.m.

10 (Whereupon, a short recess was  
11 taken.)

12 MS. GITLIN: This is tape 7.  
13 We are ready to go back on the record  
14 at 7:07 p.m.

15 Q. Between 2000 and 2004, what  
16 were the sources of Fatah's funds? Where  
17 would Fatah get money from?

18 A. (Translator.) I do not know.  
19 That was not part of my expertise.

20 Q. Are you aware of any of the  
21 sources besides -- you told us about  
22 allocations from the PA?

23 A. (Translator.) I do not know.  
24 I am not part of the Financial Committee of  
25 Fatah, so I have no idea.

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2 Q. During the time of 2000 to  
3 2004, did the PA deduct Fatah's membership  
4 fees from employees' salaries? Between  
5 2002 and 2004, did the PA deduct from its  
6 employees' salaries membership dues for  
7 Fatah?

8 A. (Translator.) Do you mean from  
9 the salaries received by the members of  
10 Fatah in the PA, there was an amount  
11 deducted from the salary for the Fatah  
12 membership?

13 Q. Yes, that is my question.

14 A. (Translator.) Yes.

15 Q. Was every PA employee required  
16 to be a member of Fatah?

17 A. (Translator.) Of course not.

18 Q. Were the employees who were not  
19 members of Fatah have deductions made from  
20 their salaries for Fatah's dues?

21 A. (Translator.) No, this was  
22 voluntarily done. If a Fatah's member did  
23 not want this amount to be deducted from  
24 his salary, he could request that and it  
25 would not be deducted.

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2 Q. During the time of 2000 and  
3 2004, how much were membership dues for  
4 Fatah?

5 A. (Translator.) Do you mean all  
6 Fatah's members?

7 Q. Correct, unless it was  
8 different members for different people.

9 A. (Translator.) No one was  
10 paying membership fees for Fatah.  
11 Employees in the PA, for instance, I was an  
12 employee of the PA until 1999. It was  
13 deducted from my salary with my consent for  
14 Fatah, an amount for Fatah. And this  
15 amount was set according to your ranking,  
16 to your grade.

17 Q. Was it a flat amount or a  
18 percentage of your salary?

19 A. (Translator.) When I was a  
20 General Director, I think it was 50  
21 shekels.

22 Q. Fifty shekels per what, week,  
23 month, year?

24 A. (Translator.) Monthly.

25 Q. Sir, when the PA would transfer

1 HUSSEIN AL SHEIKH

2 funds to Fatah's, do you know how those  
3 transfers were made?

4 A. (Translator.) No.

5 Q. Between 2000 and 2004, who was  
6 responsible for transfers between the PA  
7 and Fatah's? In other words, who would be  
8 the person who knows about that?

9 A. (Translator.) Who knows  
10 exactly what?

11 Q. Who knows about transfers  
12 between the PA and Fatah?

13 A. (Translator.) Abu Amar.

14 Q. Who is the living person who  
15 would know about it?

16 A. (Translator.) I do not know.

17 Q. Would Salam Fayad have  
18 information regarding that, do you believe?

19 A. (Translator.) I think Salam  
20 Fayad, if I am correct concerning the date,  
21 became Minister of Finance in 2003.

22 Q. Do you believe that Salam Fayad  
23 would have knowledge of transfers between  
24 the PA and Fatah during that period?

25 A. (Translator.) I do not know

1 HUSSEIN AL SHEIKH

2 exactly, but I would assume, since he is  
3 the Minister of Finance, for sure it would  
4 be starting from 2003, he would know about  
5 it.

6 Q. When you were the secretary of  
7 Fatah, where was your office?

8 A. (Translator.) In Ramalla.

9 Q. Where in Ramalla?

10 A. (Translator.) Near Bet El?

11 Q. Who owned that office?

12 A. (Translator.) I do not know  
13 who is the person who owns it, because the  
14 person who was responsible under my  
15 supervision was contacting a lawyer.

16 Q. Do you know who that lawyer  
17 was?

18 A. (Translator.) To tell you the  
19 truth, I do not remember.

20 Q. Was that office rented?

21 A. (Translator.) Yes.

22 Q. Who paid the rent?

23 A. (Translator.) It was paid from  
24 Fatah through the office of Hakam Balaui  
25 and from the Fatah Finance.

1 HUSSEIN AL SHEIKH

2 Q. What was the address of that  
3 office?

4 A. (Translator.) It was El Balua  
5 near Headquarters of Negotiations, which is  
6 the Committee for Saat Barikat.

7 Q. Who paid for the office  
8 supplies in that office?

9 A. (Translator.) Also Fatah.

10 Q. You mentioned a lawyer earlier;  
11 who paid that lawyer?

12 A. (Translator.) The lawyer was  
13 the representative of the owner of the  
14 building.

15 Q. You did not pay the owner  
16 directly. You paid the lawyer on behalf of  
17 the owner?

18 A. (Translator.) Through the  
19 lawyer, he would make the accounts through  
20 him.

21 Q. But you do not remember the  
22 name of that lawyer?

23 A. (Translator.) Maybe Shukri,  
24 but I do not remember. Maybe later on I  
25 will remember.

1 HUSSEIN AL SHEIKH

2 Q. Please let me know if you do.

3 This was a local lawyer from  
4 the Ramalla area, correct?

5 A. (Translator.) Correct.

6 Q. When Fatah, you said, would buy  
7 office supplies for your office, how would  
8 you pay for the office supplies, in other  
9 words, checks, cash, credit cards? If you  
10 needed a package of paper for your use, how  
11 did you get it?

12 A. (Translator.) The Finance of  
13 Fatah would pay directly because the Fatah  
14 Finance Department would have agreements  
15 with vendors and with printing house and  
16 with furniture houses. I am not the one  
17 who conducted the buying. The finance of  
18 Fatah would perform that and would supply  
19 it to me.

20 Q. When you were the Secretary of  
21 Fatah, did you have any method, a way to  
22 write a check on behalf of Fatah?

23 A. (Translator.) No.

24 Q. Do you know what banks Fatah  
25 had accounts in during 2000 to 2004?



1 HUSSEIN AL SHEIKH

2 A. (Translator.) No, I do not  
3 know. This is not part of my expertise.

4 Q. Between 2000 and 2004, can you  
5 tell us, please, what were the methods that  
6 Fatah used to achieve its goals?

7 A. (Translator.) First of all,  
8 Fatah is a political movement, National  
9 Palestinian, and it believes in peace, and  
10 it was the one who signed the peace  
11 agreement with Israel.

12 It is true that the peace  
13 process was obstructed during 2000  
14 following the visit of Sharon to Al Aktza  
15 Mosque, and especially following the  
16 failure of Camp David. And I mean by that  
17 the Palestinian-Israeli negotiations in Camp  
18 David during Abu Amar and Ehud Barak's  
19 period. No doubt that the visit of Sharon  
20 to the Al Aktza Mosque has prompted and  
21 caused the eruption of the situation and  
22 for the explosion of the whole issue. And  
23 there were demonstrations against the visit  
24 of Sharon, and these demonstrations were  
25 peaceful demonstrations of the first

1 HUSSEIN AL SHEIKH

2 Degree. And Fatah believed that these  
3 demonstrations should be peaceful.

4 Q. Let me back up; inside of  
5 Fatah, were there any other organizations  
6 branches or wings?

7 A. (Translator.) Of course.

8 Q. What were the branches or wings  
9 or subsets that were in Fatah in 2000 to  
10 2004?

11 A. (Translator.) Of course, for  
12 instance, Fatah members who were abroad  
13 were not in coordination and harmony with  
14 Yasser Arafat's policy. For instance, Abu  
15 Lutuf, Faruk el Kadumi, was against Oslo  
16 and inciting against Oslo.

17 Q. Let me clarify. Maybe the  
18 problem is my question.

19 What I meant was: Inside of  
20 Fatah, was there an organization maybe for  
21 doctors, for students, for engineers, for  
22 workers, for shopkeepers?

23 A. (Translator.) Of course

24 Q. Did those groups have names?

25 A. (Translator.) Of course.

1 HUSSEIN AL SHEIKH

2 Doctors' union, pharmaceutical union,  
3 teachers' union, et cetera.

4 Q. Was there a group for students?

5 A. (Translator.) Of course.

6 Q. What was the name for the  
7 groups of students between 2000 and 2004?

8 A. (Translator.) Shabiba Union.

9 Q. That is for youth?

10 A. (Translator.) Yes.

11 Q. What about for University  
12 students?

13 A. (Translator.) They also  
14 belonged to the youth movement. The  
15 Shabiba is also for school students and  
16 University students.

17 Q. Between 2000 and 2004, what was  
18 the policy of Fatah towards the Israeli  
19 occupation of the West Bank and Gaza Strip?

20 A. (Translator.) The goal of  
21 Fatah is to end occupation in the West Bank  
22 and the Gaza Strip.

23 Q. Between 2000 and 2004, did  
24 Fatah consider Israeli Jewish settlers in  
25 the West Bank and the Gaza Strip to be

1 HUSSEIN AL SHEIKH

2 regular civilians?

3 A. (Translator.) Yes.

4 Q. Are you familiar -- and forgive  
5 me for what I'm about to do with your  
6 language -- are you familiar with a term  
7 called Mukawama?

8 A. (Translator.) Resistance.

9 Q. What is the principle of  
10 resistance?

11 A. (Translator.) Do you want me  
12 to use the word "resistance" or "Mukawama"?

13 Q. Does the word "Mukawama" have a  
14 particular meaning in Palestinian politics?

15 A. (Translator.) It is like using  
16 the word "Shahid."

17 MR. HIBEY: Wait a minute. You  
18 have asked a perfectly legitimate  
19 question.

20 MR. TOLCHIN: We agree on  
21 something.

22 MR. HIBEY: I would like to  
23 know what the translation is.

24 MR. NAIM: Resistance.

25 MR. TOLCHIN: Just to explain

1 HUSSEIN AL SHEIKH

2 to you, what she said is that the  
3 word is like Shahid. Shahid means  
4 martyr, but in the context of  
5 Palestinian politics, it has come to  
6 have a particular meaning that people  
7 understand.

8 MR. SHEHADEH: It is like when  
9 you say Shoah.

10 MR. TOLCHIN: It's like when  
11 you say Holocaust. It has a  
12 particular meaning that everybody  
13 understands what you're talking  
14 about. When you say the French  
15 Revolution, nobody thinks that you're  
16 talking about a revolution in  
17 wine-making. They know what you're  
18 talking about.

19 Let's proceed. I will use th  
20 English word.

21 MR. SHEHADEH: Just a second,  
22 because he answered and he said that  
23 resistance has different forms.

24 Q. What are the different forms of  
25 resistance?

1 HUSSEIN AL SHEIKH

2 A. (Translator.) For instance, I  
3 could say no to occupation, this is  
4 resistance. I can call for a peaceful  
5 demonstration in central Ramallah, this is  
6 also a kind of resistance. For instance as  
7 well, I can ask for boycotting Israeli  
8 products, and this is also a type of  
9 resistance. I also can write an article,  
10 this is also resistance.

11 Q. Is putting a car bomb in an  
12 Israeli shopping mall a form of resistance?

13 A. (Translator.) Fatah is against  
14 that on the whole.

15 Q. But is that a form of  
16 resistance.

17 A. (Translator.) I repeat, again,  
18 working or conducting anything within the  
19 Jewish area of Israel, against or harming  
20 any Israeli citizens is something which is  
21 against the policy and legitimacy of Fatah,  
22 and is a terrorist act.

23 Q. Is shooting Israeli soldiers in  
24 the West Bank a form of resistance?

25 A. (Translator.) The issue of

1 HUSSEIN AL SHEIKH

2 soldiers is a separate issue. And I am  
3 talking only about Israeli civilians. Even  
4 during the period of peace, killing  
5 soldiers for us is forbidden during the  
6 period of peace.

7 Q. But is shooting an Israeli  
8 soldier in the West Bank a form of  
9 resistance? And I'm asking about 2000  
10 through 2004.

11 MR. McALEER: Objection.

12 A. (Translator.) The important  
13 thing is when are we talking about, and  
14 where. Are we talking about the period  
15 where violence prevailed, or a period where  
16 peace prevailed? For instance, I would  
17 like to give you an example. Anyone who  
18 shoots towards an Israeli soldier or an  
19 Israeli civilian, I would arrest him.  
20 Anybody who plans for any action in Israel,  
21 I would arrest him.

22 I have 600 detainees of Hamas  
23 and from the Islamic Jihad. Therefore it  
24 is important to determine at what period  
25 are we talking about. Is it a period where

1 HUSSEIN AL SHEIKH  
2 there was an Israeli and Palestinian  
3 violence going on, on both sides where both  
4 of them are parties.

5 Q. Let me clarify. You talked  
6 earlier about the Intifada that started in  
7 2000; was that Intifada that started in  
8 2000, a period of peace or a period of  
9 violence?

10 MR. McALEER: Object as to  
11 form. You can answer.

12 A. (Translator.) I distinguish  
13 between the different periods of the  
14 Intifada. First of all, Sharon started by  
15 visiting the Al Aktza Mosque. He provoked  
16 emotions of Palestinians and Moslems.  
17 There were peaceful demonstrations by  
18 Palestinians. What proves that the  
19 direction is peaceful, because the  
20 objective of the Intifada was peaceful.

21 Can you tell me how many  
22 Israelis were killed during the four months  
23 of the Intifada. However, I can tell you  
24 how many Palestinians were killed during  
25 that period. That demonstrates to what



1 HUSSEIN AL SHEIKH

2 extent the Intifada was meant to be  
3 peaceful.

4 Q. Let me clarify. You said that  
5 there were periods of the Intifada. There  
6 were phases of the Intifada. Can you tell  
7 me what the dates were, as best as you can,  
8 and what the phases were?

9 A. (Translator.) I will give you  
10 without dates. I do not remember dates  
11 very well. The first stage of the Intifada  
12 lasted four to five months. The Intifada  
13 was totally absolutely peaceful.

14 Q. That is four to five months  
15 from Sharon's visit?

16 A. (Translator.) Yes, four or  
17 five months the whole Intifada was  
18 peaceful. And I challenge you again to  
19 tell me how many Israeli were killed in the  
20 four or five months. I can tell you that  
21 hundreds of Palestinians were killed at  
22 that time. I am not challenging you  
23 personally. I am speaking generally.

24 In the first four to five  
25 months, hundreds of Palestinians were

1 HUSSEIN AL SHEIKH  
2 killed according to all international  
3 humanitarian organizations' reports. The  
4 excessive violence practiced by the  
5 Israelis has pushed the Palestinians to  
6 escalate the level of violence.

7 In my opinion, this gave the  
8 opportunity to all the extremists, and all  
9 those who oppose the Oslo Agreement, an  
10 opportunity to destroy the Oslo Agreement  
11 and to bring back the whole area to  
12 violence. Therefore, unfortunately, the  
13 Intifada transferred from being a peaceful  
14 Intifada to being a violent one.

15 Q. How long was that violent  
16 period? You said it started four or five  
17 months after Sharon's visit, and how long  
18 did it continue?

19 A. (Translator.) It continued  
20 until the death of Abu Amar.

21 Q. Which was November 2004?

22 A. (Translator.) November 11,  
23 2004.

24 Q. So that violent period  
25 continued for several years until at least

1 HUSSEIN AL SHEIKH

2 2004?

3 A. (Translator.) Until the death  
4 of Abu Amar, approximately.

5 Q. During the violent period, was  
6 shooting Israeli soldiers in the West Bank  
7 a form of resistance?

8 MR. McALEER: Object as to  
9 form, lack of foundation.

10 A. (Translator.) In 2002, Israel  
11 basically occupied the whole of the West  
12 Bank and destroyed the Headquarters of the  
13 PA, and everything became total chaos.  
14 Different parties were constructed and  
15 established. There was no central  
16 authority for the Palestinian people.

17 Q. I'm just trying to focus on my  
18 question. Earlier when I asked you whether  
19 shooting a soldier was an example of  
20 resistance, you told us that it depends, if  
21 we are talking about a period of violence  
22 or a period of peace. Correct me if I'm  
23 misquoting what you said.

24 A. (Translator.) During the  
25 period of violence, everything was open.

1 HUSSEIN AL SHEIKH

2 Especially since the Israeli military  
3 entered the Palestinian area and occupied  
4 it. And yet, again, I distinguish between  
5 the military and the civilians. I would  
6 like to give an example. Today the Israeli  
7 military enters Ramallah. Why is it that  
8 no shooting is directed towards it; because  
9 you and I, we are conducting a period of  
10 agreement. I know that the Israeli  
11 military entered and detained Hamas members  
12 and we have a cooperation of information  
13 between us; and both me and the Israeli  
14 military closed Hamas institutions in the  
15 West Bank. Therefore when you are talking  
16 about a situation or a period, there are  
17 different circumstances at different  
18 periods of time. Now there is a  
19 cooperation between us.

20 Q. We're talking about 2002?

21 A. (Translator.) In general,  
22 killing any civilian is forbidden. But  
23 when you are talking about the military, it  
24 is different when we are talking about the  
25 circumstances when there is a war or there

1 HUSSEIN AL SHEIKH

2 is a peaceful situation.

3 Q. During times when there is a  
4 violent situation, such as between Sharon's  
5 visit to Al Aktza and 2004, so, for  
6 example, in the year 2002, right in the  
7 middle of that period, during that period,  
8 would shooting an Israeli soldier in the  
9 West Bank and Gaza Strip have been  
10 considered a form of resistance?

11 MR. McALEER: Object as to form  
12 and lack of foundation.

13 Q. You can answer.

14 A. According to the International  
15 Law, Israel is an occupying power for the  
16 West Bank. This is according to the  
17 International Resolutions, and this is not  
18 something that I am saying. Between whom  
19 there is no peace, between two enemies?  
20 Peace can be only made by enemies.  
21 According to all history, peace can be done  
22 only between two enemies.

23 We used to be enemies. And our  
24 main goal to fight for Fatah is to end the  
25 occupation, and we hope and we wish and we

1 HUSSEIN AL SHEIKH

2 make great efforts to end this occupation  
3 by peaceful means and to live in peace with  
4 the Israelis. One country, a state, next  
5 to the other. One nation next to the  
6 other. And there would be economical,  
7 political, environmental cooperation  
8 between us. And this is not only merely my  
9 personal opinion. This is the opinion of  
10 Fatah, in general.

11 MR. TOLCHIN: What I'd like to  
12 do is, I'd like to just show the  
13 witness that video that we exchanged.  
14 We do not need to translate it. I'd  
15 like just to show him the video at  
16 first.

17 MR. HIBEY: How does this get  
18 handled in terms of record?

19 MR. TOLCHIN: I have copies. I  
20 represent to you it is exactly the  
21 same thing I e-mailed you, and I made  
22 some copies. I'd be happy to give  
23 you one right now.

24 MR. HIBEY: Can we trust you  
25 that you will mark it as an Exhibit?

1 HUSSEIN AL SHEIKH

2 (Whereupon, the aforementioned  
3 video was marked as Plaintiff's  
4 Exhibit 1 for identification as of  
5 this date by the Commissioner.)

6 Q. Yes, I'm going to show you a  
7 video, and the first question is going to  
8 be "is this you"?

9 (Video shown.)

10 What that you, sir?

11 A. (Translator.) Yes.

12 Q. When was that recording made?

13 A. (Translator.) According to  
14 what I am seeing, this was at the time when  
15 Abu Amar passed away.

16 Q. You looked younger. What was  
17 the context? Who were you talking to?

18 A. (Translator.) With Al Arabiya,  
19 TV reporter.

20 MR. TOLCHIN: Let me ask the  
21 translator, this is for the sake of  
22 the record. It's very fast, I can  
23 tell. Would you be able to translate  
24 it as it's speaking? I'm really  
25 asking you.

1 HUSSEIN AL SHEIKH

2 MR. NAIM: There are scripts.

3 MR. TOLCHIN: There is a  
4 script, but the recording does not  
5 know what the screen said.

6 MR. SHEHADEH: You can read it  
7 if you like.

8 MR. TOLCHIN: Let me play it  
9 again, and what I'd ask the  
10 translator to do is just verify that  
11 the translation that are in the  
12 subtitles are accurate.

13 (Video shown.)

14 MR. NAIM: Just one word he  
15 said "wasaya" (phenetic) that is  
16 legacy. They translated it as  
17 "promise."

18 MR. SHEHADEH: But this is a  
19 legacy from Abu Amar.

20 MR. TOLCHIN: The subtitle says  
21 it is the promise of Abu Amar, and  
22 you would say this is the legacy of  
23 Abu Amar. Other than that, it is  
24 accurate?

25 MR. NAIM: Yes.



1 HUSSEIN AL SHEIKH

2 Q. Let me ask you this, sir. You  
3 referred to the guns of Abu Amar. What did  
4 you mean when you said the guns of Abu  
5 Amar?

6 A. (Translator.) I mean the  
7 history of Abu Amar. Abu Amar was the one  
8 who erupted this revolution in '64,  
9 therefore I am talking about the history of  
10 Abu Amar.

11 Q. You used the term "dark arms."  
12 What were you talking about?

13 A. (Translator.) Now, this is  
14 with the comment of the translator. When  
15 speaking about dark or black in Arabic,  
16 usually it is meant somebody who has tan  
17 skin. He is talking about tanned-skin  
18 people.

19 MR. NAIM: It is not dark in  
20 the metaphoric way of something evil.

21 Q. This means the guns of  
22 dark-skinned people? Who were you  
23 referring to when you said tanned people?

24 A. (Translator.) I mean that  
25 during the beginning of Yasser Arafat, the

1 HUSSEIN AL SHEIKH  
2 people who were with him, when they did not  
3 have any shelter, they were working under  
4 the sun in Jordan and Lebanon and all  
5 areas.

6 Q. What did you mean when you said  
7 the gun is the way to get rid of the  
8 occupation?

9 A. (Translator.) For many years  
10 these were the principles of Fatah.  
11 Nevertheless, Fatah, although it believed  
12 in guns, in power, it also believed in  
13 making peace. Therefore, Arafat conducted  
14 the peace process. Who would have believed  
15 during the seventies -- when I am talking  
16 about the history, that in 1993 or 1994,  
17 there would be peace between the  
18 Palestinians and Israelis.

19 MS. GITLIN: The end of the  
20 tape. It is 7:57 p.m.

21 (A recess transpired.)

22 MS. GITLIN: We are beginning  
23 now tape number 8, the time is 8:11  
24 p.m. This is the Commissioner Amy  
25 Gitlin. My business address is Nahal

1 HUSSEIN AL SHEIKH

2 Katlave 7/3, Bet Shemesh, Israel.

3 This is the deposition of Hussein al  
4 Sheikh, taking place in Jerusalem,  
5 Israel, on April 1, 2009.

6 MR. TOLCHIN: First of all,  
7 there is a CD which contains the  
8 video that we played a few moments  
9 ago, and it is marked as Exhibit 1 of  
10 today's date, 4/1/09, where a copy  
11 has been given to the Commissioner  
12 and another copy has been given to  
13 Mr. Hibey.

14 Q. Does Fatah have a website.

15 A. (Translator.) Yes.

16 Q. Do you know what that website  
17 is?

18 A. (Translator.) If I am not  
19 mistaken, www.fatah.ps, if I am not  
20 mistaken.

21 Q. Do you know who in Fatah is  
22 responsible for maintaining that website?  
23 In other words, who is in charge?

24 A. (Translator.) The one who is  
25 responsible for the website is the Media

1 HUSSEIN AL SHEIKH

2 Department in Fatah.

3 Q. Do you know who is in charge of  
4 the Media Department of Fatah today?

5 A. (Translator.) The office of  
6 Abu Alla.

7 Q. And just so the record isn't  
8 confused, who is Abu Ala?

9 A. (Translator.) Achmend Kra.

10 Q. Besides this website, does  
11 Fatah publish any newspapers or magazines?

12 A. (Translator.) Currently due to  
13 my capacity and my occupation, I do not get  
14 to follow up on these things, but maybe  
15 there is something published here inside.

16 Q. In the past, has Fatah had a  
17 newspaper or periodical that is published?

18 A. (Translator.) There was a  
19 periodical that used to be published, and  
20 not a newspaper. It was published by the  
21 Intellectual Department. In charge of it  
22 was Saher Habash. He is a member of the  
23 Central Committee of Fatah. Little by  
24 little we will remember all the members of  
25 the Central Committee of Fatah.

1 HUSSEIN AL SHEIKH

2 Q. Does Fatah operate any  
3 television or radio station?

4 A. (Translator.) No, not at all.

5 Q. Speaking about the period  
6 between 2000 and 2004, did Fatah have a  
7 charter or constitution or bylaws?

8 A. (Translator.) Of course, there  
9 is the Political Program of Fatah and  
10 Internal Organizational bylaws of Fatah.

11 Q. Does that document have a name?

12 A. (Translator.) No, there is the  
13 Political Program of Fatah.

14 Q. The document that you call the  
15 bylaws, what is that?

16 A. (Translator.) The laws that  
17 regulate the Internal Affairs within Fatah.

18 Q. Let me show you, sir, this  
19 document. This one you can keep. It is  
20 something you have already.

21 A. (Translator.) Do you want me  
22 to read this?

23 Q. Just look at the document. You  
24 do not have to read the whole thing. We're  
25 not getting into the substance of the

1 HUSSEIN AL SHEIKH

2 document.

3 MR. HIBEY: I appreciate it  
4 that you are not going to give him  
5 the substance of the document, but  
6 still doesn't give me --

7 MR. TOLCHIN: Mr. Hibey, this  
8 is something that was emailed to you  
9 a week ago.

10 MR. HIBEY: I appreciate it  
11 that you mailed it, but I'm trying to  
12 understand this document.

13 MR. McALEER: And I need to  
14 understand what it is.

15 Q. Can you identify this document,  
16 sir? Do you know what it is?

17 A. (Translator.) I am reading it.

18 MR. HIBEY: It should be noted  
19 that every time the witness has to  
20 review a document, that he should  
21 take his time.

22 MR. TOLCHIN: That's fair  
23 enough, so why don't we do this,  
24 because the document is lengthy. Let  
25 us stop the clock and let the witness

1 HUSSEIN AL SHEIKH

2 take all the time he wants.

3 MS. GITLIN: We're off the  
4 record at 8:20.

5 (Whereupon, a short recess was  
6 taken.)

7 MS. GITLIN: We are back on the  
8 record. The time is 8:26 p.m.

9 Q. So you had a chance to look at  
10 the document, which will be marked as  
11 Exhibit 2.

12 (Whereupon, the aforementioned  
13 document was marked as Plaintiff's  
14 Exhibit 2 for identification as of  
15 this date by the Commissioner.)

16 Q. Sir, do you know what that  
17 document is?

18 A. (Translator.) This is an  
19 unofficial document.

20 Q. What is that document?

21 MR. HIBEY: Objection, lack of  
22 foundation.

23 Let me just say for the record  
24 that while we were off the record,  
25 Counsel made certain representations

1 HUSSEIN AL SHEIKH  
2 about whether the document that has  
3 been marked as Exhibit 2, was the  
4 same or similar to, or printed at a  
5 different time than documents that  
6 Counsel for Plaintiff sent Counsel  
7 for Defendants.

8 I am just stating for the  
9 record that the document that the  
10 Counsel for Plaintiffs have had  
11 marked as Exhibit 2 is what it is.  
12 We have not been able to make any  
13 correlation between whether that  
14 printout is or is not textually the  
15 same as what counsel for plaintiffs  
16 sent us. Therefore pending that  
17 confirmation, we reserve our rights  
18 with respect to the document.

19 Q. Sir, you said that was an  
20 unofficial document?

21 A. (Translator.) Yes.

22 Q. Nevertheless, can you identify  
23 what the document is, official or  
24 unofficial, or otherwise; what is it?

25 MR. McALEER: In what capacity



1 HUSSEIN AL SHEIKH  
2 is he being asked the question of  
3 whether he can identify the document?

4 MR. HIBEY: Lack of foundation  
5 pending objection to the question.

6 Q. Along with that fanfare, can  
7 you answer the question?

8 A. (Translator.) I am answering  
9 really quickly. It discusses the nature of  
10 internal affairs of Fatah and the  
11 principles of Fatah. Therefore, from this  
12 primary reading, I assert that this is an  
13 unofficial document of Fatah.

14 Q. Is that document the  
15 constitutional bylaws of Fatah?

16 MR. HIBEY: Objection, lack of  
17 foundation.

18 Q. If you know.

19 MR. TOLCHIN: All that is for  
20 trial, today we say it is an  
21 objection as to form.

22 MR. HIBEY: It is not only for  
23 trial, and let us not get into a  
24 discussion as you attempted earlier  
25 of what is or is not an objection.

1 HUSSEIN AL SHEIKH

2 A. (Translator.) But I am telling  
3 you that this is unofficial one, so it  
4 could not be the internal bylaws.

5 MR. McALEER: I think you  
6 really have to establish this  
7 question of authentication. That is  
8 something I think is, by his  
9 testimony -- Counsel, can you make a  
10 proper record of the website source?

11 MR. TOLCHIN: It's written at  
12 the bottom of the page  
13 www.palvoice.com. That is the  
14 website.

15 MR. McALEER: You do not think  
16 it had to establish if the website is  
17 an official website?

18 MR. TOLCHIN: Yes, if you want  
19 to offer something into evidence at  
20 trial, yes. We will deal with it at  
21 the rial. We may lay the foundations  
22 for the document through other means.

23 MR. McALEER: You should put  
24 the question to the witness on the  
25 basis, first of what it is in

1 HUSSEIN AL SHEIKH  
2 deposition authenticated the  
3 document.

4 MR. TOLCHIN: Thank you for  
5 suggesting. Could you please look at  
6 the section of the document which is  
7 called Article 12. It is the tenth  
8 page of the exhibit near the bottom.  
9 Is that one line --

10 MR. McALEER: Objection. For  
11 the record, the Counsel for the  
12 Plaintiffs has put an Arabic document  
13 in front of this witness, and has not  
14 presented the Counsel of the witness  
15 with an English translation, of the  
16 document that the Counsel is putting  
17 before the witness. On that basis,  
18 it is entirely unfair for the Counsel  
19 to proceed with this sort of  
20 questioning.

21 MR. TOLCHIN: As the  
22 Interpreter, could you please read  
23 the one line item 12 into English.  
24 Your colleague says he wants to know  
25 what it says.

1 HUSSEIN AL SHEIKH

2 MR. HIBEY: Well, he can read  
3 it. If you can do the translation of  
4 this document as you are confronting  
5 this witness, you have not  
6 established this document. Well, it  
7 is really unfair.

8 MR. TOLCHIN: You have told me  
9 that already and now you're just  
10 running the clock, and that is  
11 unfair.

12 MR. HIBEY: You know that I  
13 have not run the clock today.

14 MR. TOLCHIN: Please read the  
15 one line.

16 MR. NAIM: (Reading.)  
17 Liberating Palestine, a full  
18 liberation and eradication of the  
19 Zionist entity economically,  
20 politically, militarily, and  
21 culturally.

22 Q. Is that provision, to your  
23 knowledge, part of the constitution or  
24 bylaws of Fatah, regardless of whether this  
25 document is an official document?

1 HUSSEIN AL SHEIKH

2 A. (Translator.) Definitely not.

3 Fatah has engaged in a peace process. It  
4 is cooperating with the State of Israel.

5 How can Fatah call for the eradication of  
6 the State of Israel? Fatah recognizes  
7 Israel.

8 Q. Was that provision ever part of  
9 the constitution or bylaws of Fatah?

10 A. (Translator.) I do not recall,  
11 maybe it was in 1965.

12 Q. Are you aware of that provision  
13 ever having been changed?

14 MR. HIBEY: Objection, lack of  
15 foundation.

16 A. (Translator.) I have not seen  
17 it before in any of Fatah's documents.  
18 Therefore, I cannot tell if it was modified  
19 or not, but I know what the principles of  
20 Fatah are, and I know what the position of  
21 Fatah towards Israel is.

22 MR. TOLCHIN: Can you either  
23 mark this document as Exhibit 2 or  
24 give it to the Commissioner.

25 MR. HIBEY: Excuse me, the

1 HUSSEIN AL SHEIKH

2 Commissioner holds this document?

3 MR. TOLCHIN: I'm indifferent,  
4 we'll talk afterwards about that. We  
5 gave a copy of it. I'm going to show  
6 you another document. Here is an  
7 extra copy.

8 MR. HIBEY: Because of our  
9 issues with it, we would like to walk  
10 out with a copy of it.

11 MR. TOLCHIN: We'll give you a  
12 copy of it. He's holding it in his  
13 hand. I'm going to show you the  
14 document. Here is an extra copy.

15 A. (Translator.) I do not have my  
16 glasses, but I can read it still.

17 MR. HIBEY: While the witness  
18 is reading the document, I will place  
19 a standing objection on the record as  
20 to the absence of a translation, so I  
21 can read too. Just have it as the  
22 same objection, we don't have to take  
23 up time on the record.

24 Q. You looked at it? Is this a  
25 document you have ever seen before?

1 HUSSEIN AL SHEIKH

2 A. (Translator.) No.

3 Q. Having read it over, are you  
4 familiar with the events discussed in this  
5 document?

6 A. (Translator.) No, of course  
7 not.

8 Q. Was there a situation in 2002  
9 where individuals who were part of the  
10 National security force of the Palestinian  
11 Authority were attached to the Fatah  
12 movement? When I said 2002, lets talk  
13 about 2000 to 2004, the same period we  
14 already discussed?

15 A. (Translator.) This is not part  
16 of my expertise. This is part of the  
17 Palestinian Authority security forces' work  
18 at that time. During that time I was part  
19 of Fatah, and I have no information  
20 concerning this document.

21 Q. At the time 2000 to 2004, you  
22 were a Secretary of Fatah?

23 A. (Translator.) Correct.

24 Q. During that time period, do you  
25 recall any issue arising between Fatah and

1 HUSSEIN AL SHEIKH

2 the PA about assignment of PA security  
3 forces to Fatah?

4 A. (Translator.) No -- let me  
5 clarify this issue.

6 Q. Please.

7 A. (Translator.) If someone  
8 wanted to resign or to end his services at  
9 the security and to go back to work with  
10 Fatah, if he wanted to work with Fatah  
11 regularly, steadily, he should have no  
12 connection with the PA, unless if there was  
13 general security issues for public  
14 institutions which were connected with the  
15 general security. Just as there is  
16 security for banks, for institutions, if  
17 this is what we are referring to, that they  
18 were attached, this is what I am trying to  
19 understand here. But if I understand you  
20 correctly, you said that there are military  
21 people who work for the PA, and were  
22 attached to the Fatah, and then returned to  
23 the PA. There is nothing like that.

24 Q. Was there an issue that they  
25 were supposed to be returned, but somebody



1 HUSSEIN AL SHEIKH

2 objected to it?

3 A. (Translator.) Who opposed?

4 Q. Anybody.

5 A. (Translator.) If it is  
6 security issue, then it derives or obeys  
7 the security system, if they were requested  
8 to return, then they will return.

9 Q. This is for the Commissioner.  
10 This is Exhibit 4.

11 (Whereupon, the aforementioned  
12 document was marked as Plaintiff's  
13 Exhibit 4 for identification as of  
14 this date by the Commissioner.)

15 Q. First of all, is this a  
16 document you have ever seen before, sir?

17 A. (Translator.) No, I do not  
18 recall seeing it.

19 Q. At the top in the upper  
20 right-hand corner there is a handwritten  
21 comment there. Are you able to read that?

22 A. (Translator.) Yes, of course.

23 Q. What does it say?

24 A. (Translator.) It should be  
25 sent to the District of Ramalla to Hussein

1 HUSSEIN AL SHEIKH

2 Sheikh.

3 Q. Do you recognize the  
4 handwriting, who wrote that?

5 A. (Translator.) I do not know  
6 accurately. I do not know.

7 Q. Does that refer to you, sir?

8 A. (Translator.) This is what is  
9 said.

10 Q. Was this document ever sent to  
11 you, if you remember? If you don't  
12 remember, you can tell me that also.

13 A. (Translator.) Unfortunately I  
14 don't remember. I see hundreds of papers a  
15 day.

16 Q. Did you have a chance to read  
17 this document over?

18 A. (Translator.) Yes, I did.

19 Q. Are you familiar with the  
20 events described in this document?

21 A. (Translator.) I do not know  
22 specifically what is meant by it.

23 Q. Do you know generally what is  
24 meant by it?

25 A. (Translator.) Yes, generally

1 HUSSEIN AL SHEIKH

2 it is understandable what is written there.

3 Q. What is your general  
4 understanding of what this document  
5 involves?

6 A. (Translator.) I understand  
7 that there were people who worked in the  
8 security who were transferred from the  
9 security to the PLO, to the organization  
10 Fatah. And the security system requested  
11 that these people who were attached would  
12 be returned to the National Security  
13 Council. This is the contents of this  
14 letter.

15 Q. Just back up. You said that  
16 there were people from the security forces  
17 who were assigned to the organization. Is  
18 that what you said?

19 A. (Translator.) I said there  
20 were people from security who would prefer  
21 to go back to work with Fatah. If he wants  
22 to go back to work with Fatah, he should  
23 end his work with the PLO, with the  
24 Palestinian Authority. What I understand  
25 from this document the Palestinian security

1 HUSSEIN AL SHEIKH

2 systems are sending a warning to all those  
3 who were not returning that they might be  
4 sacked from work. This is my  
5 interpretation.

6 Q. Do you recall the situation?

7 A. (Translator.) I do not  
8 remember particularly the circumstances  
9 here.

10 Q. You can give the original  
11 document to the Commissioner. I may ask  
12 you, sir, if this is a document you have  
13 ever seen.

14 A. (Translator.) Yes.

15 Q. What is this document?

16 A. (Translator.) I presented this  
17 to Yasser Arafat, financial aid for certain  
18 people.

19 Q. Did you write this document?

20 A. (Translator.) Yes.

21 Q. Is all of this document yours,  
22 or is there a part that was written by  
23 somebody else?

24 A. (Translator.) This is my  
25 handwriting, and the handwriting of Yasser

1 HUSSEIN AL SHEIKH

2 Arafat.

3 Q. Is it accurate that the  
4 handwriting which is horizontal is yours  
5 and the handwriting which is diagonal is  
6 Mr. Arafat's?

7 A. (Translator.) This is an area  
8 with the handwriting where the date is  
9 stated and the signature, this is of Yasser  
10 Arafat.

11 MR. TOLCHIN: Can we agree, Mr.  
12 Hibey, that the witness is indicating  
13 that the diagonal handwriting towards  
14 the lower left as being Mr. Arafat's?

15 MR. HIBEY: Yes.

16 Q. What did you write in this  
17 letter?

18 A. (Translator.) I requested from  
19 Abu Amar to allocate money for three  
20 people.

21 Q. Just for the sake of the  
22 record, and since it's your handwriting,  
23 could you read the letter slowly and let  
24 the translator translate?

25 A. (Translator.) Of course. "Mr.

1 HUSSEIN AL SHEIKH

2 President, the warrior of combatant,

3 President of combatant."

4 MR. SAADI: No, no, fight is --

5 (Arabic) This (word) is someone who

6 declares Jihad because of unjust

7 conditions.

8 MR. SHEHADEH: It can be both a

9 fighter and a combatant.

10 MR. TOLCHIN: What is the

11 Arabic word we are talking about?

12 MR. SHEHADEH: Mujahed.

13 A. (Translator.) I would like to

14 explain. To assert that Mujahed is not a

15 fighter, if we want to take the linguistic

16 phrase, you can make Jihad through talking.

17 Q. But the word is connected to

18 the root Jihad. Can I make a suggestion;

19 let the Interpreter say what she thinks,

20 you say what you think, and then we'll ask

21 the witness to clarify and then we'll have

22 it on the record.

23 A. (Translator.) I have not

24 finished yet. I would like to clarify.

25 Mujahed does not mean in any way combatant

1 HUSSEIN AL SHEIKH  
2 or fighter. Because, according to Islam,  
3 Mujahed means that you can do Jihad through  
4 your words and there is an internal thing  
5 within your soul, the Jihad of your soul.  
6 What is the Jihad of the soul? That means  
7 do not commit adultery, do not steal, and  
8 such things. Therefore Mujahed does not  
9 necessarily mean a fighter.

10 Q. Would you agree that Mujahed  
11 can mean fighter?

12 A. (Translator.) Each person can  
13 interpret it as he sees fit.

14 Q. Just finish the letter, please.

15 A. (Translator.) (Reading.) My  
16 brother Abu Amar, may God protect you and  
17 keep you well. I grant you with the salute  
18 of homeland and nation. We request from  
19 you Highness to be kind and to allocate a  
20 financial amount of two thousand five  
21 hundred dollars to the brothers number 1,  
22 Raid ed Karmi, second Ziad Machmud Daas,  
23 third Omar Kahaden, and we leave this to  
24 your decision, your son Hussein al Sheikh.  
25 The thing that was offered Yasser Arafat,

1 HUSSEIN AL SHEIKH

2 the Finance Ministry in Ramallah, the  
3 allocation of six hundred dollars would be  
4 given to each person.

5 Q. Who is Raid ed Karmi?

6 A. (Translator.) Raid el Karmi is  
7 a person from the Tul Karem area.

8 Q. Why did you want to allocate  
9 2500 dollars to Mr. El Karmi?

10 A. (Translator.) These were the  
11 recommendations of the responsible in  
12 charge person of Fatah in Tul Karem area,  
13 since I do not know any of these three  
14 people personally. I am given  
15 recommendations from the different Fatah  
16 representatives in these area within my  
17 capacity of the Secretary of Fatah I report  
18 this to Yasser Arafat within the framework  
19 of the Humanitarian Aid. And I have  
20 brought thousands of humanitarian aid to  
21 people.

22 Q. Who asked you or who  
23 recommended to you that you request 2500  
24 dollars for Mr. El Karmi?

25 A. (Translator.) If I am not



1 HUSSEIN AL SHEIKH

2 mistaken, the Secretary of the area of Tul  
3 Karem. What period are we talking about?  
4 2001? I cannot see the date.

5 Q. 2001.

6 A. (Translator.) I think that the  
7 Secretary, maybe it was Dr. Thabet or Fayet  
8 Kanaan. I am not certain who it was, but I  
9 am sure one of them was the Secretary at  
10 the time.

11 Q. Who is Fayed Kanaan?

12 A. (Translator.) The Secretary of  
13 Tul Karem area at that time, maybe. I do  
14 not recall if it was Dr. Thabet or Fayet  
15 Kanaan.

16 Q. Who is Amar Kadan?

17 A. (Translator.) I do not know  
18 him.

19 Q. Are you familiar with something  
20 called Force 17?

21 A. (Translator.) Of course I am.

22 Q. Was Mr. Kadan connected somehow  
23 to Force 17?

24 A. (Translator.) Surely.

25 Q. Briefly what is Force 17?

1 HUSSEIN AL SHEIKH

2 A. (Translator.) It is the  
3 Private Presidential Guard.

4 MR. TOLCHIN: This goes to the  
5 commission, 6.

6 (Whereupon, the aforementioned  
7 document was marked as Plaintiff's  
8 Exhibit 6 for identification as of  
9 this date by the Commissioner.)

10 Q. Sir, is this a document that  
11 you have ever seen before?

12 A. (Translator.) No, of course  
13 not.

14 Q. Did you review this document  
15 before you came here today in preparation  
16 for the deposition?

17 A. (Translator.) Yes, I saw it by  
18 the lawyers.

19 Q. Take a moment to read it. Who  
20 wrote this document? Who signed it?

21 A. (Translator.) According to  
22 what I see, the one who signed it is Fayed  
23 Kanaan.

24 Q. The same individual that we  
25 spoke about a minute ago?

1 HUSSEIN AL SHEIKH

2 A. (Translator.) Yes, for sure.

3 Q. Where is Fayed Kanaan today?

4 A. (Translator.) I do not know.

5 This is a period between 2001 and 2009,  
6 eight years, maybe in Tul Karem.

7 Q. Is he employed by the  
8 Palestinian Authority today?

9 A. (Translator.) I do not know.

10 Q. Do you know if he's still alive  
11 today?

12 A. (Translator.) Of course. If  
13 he would have passed away, I would have  
14 known about it.

15 Q. The diagonal writing on the  
16 left, is that Mr. Arafat's writing?

17 A. (Translator.) The diagonal  
18 handwriting on the left is the writing of  
19 Yasser Arafat.

20 Q. There is a list of 15 names.  
21 Do you recognize any of these names?

22 A. (Translator.) Not one of them.

23 Q. Are you familiar with an  
24 individual named Wafa Idris?

25 A. (Translator.) I do not know

1 HUSSEIN AL SHEIKH

2 her at all, but I have heard of her.

3 Q. Who was Wafa Idris?

4 A. (Translator.) I do not  
5 remember exactly, but I think she tried, or  
6 did, committed an action in Israel. I do  
7 not know for sure.

8 Q. When you say committed an  
9 action, what sort of action are you  
10 referring to?

11 A. (Translator.) I do not know  
12 exactly. Maybe she committed an action  
13 within Israel or tried to commit an action  
14 in Israel.

15 Q. Was that action a suicide  
16 bombing?

17 A. (Translator.) Yes, of course.

18 Q. When you said an "action" a few  
19 minutes ago, what you were referring to was  
20 a suicide bombing action, correct?

21 A. (Translator.) This is what I  
22 meant when I answered you.

23 Q. Did you ever make any  
24 statements regarding your attitude towards  
25 what Wafa Idris did in her suicide bombing

1 HUSSEIN AL SHEIKH

2 action?

3 A. (Translator.) I do not  
4 remember at all.

5 Q. Did you ever make public  
6 statements praising Wafa Idris's action?

7 A. (Translator.) I do not recall.

8 Q. Were you ever interviewed by Al  
9 Jazeera TV?

10 A. (Translator.) Tens of  
11 interviews.

12 Q. Did you give an interview  
13 that aired on Al Jazeera TV that aired on  
14 August 16, 2005?

15 A. (Translator.) I do not  
16 remember.

17 Q. In an interview with Al  
18 Jazeera, in August 2005, did you praise  
19 Wafa Idris's actions?

20 A. (Translator.) I do not recall  
21 that.

22 Q. Did you say to Al Jazeera, in  
23 August 2005, that Wafa Idris had become a  
24 source of pride for Palestinian girls?

25 A. (Translator.) I do not

1 HUSSEIN AL SHEIKH

2 remember that at all.

3 Q. Do you believe that Wafa Idris  
4 has become a source of pride for  
5 Palestinian girls?

6 A. We are totally against any  
7 action against any Israeli civilians and  
8 this is the stand of Fatah movement, and we  
9 have presented it always. And I have  
10 asserted it through a statement that I  
11 performed along with the European Security  
12 Committee, where there were Germans,  
13 British and Italians. I presented the  
14 stand of Fatah within an official statement  
15 prohibiting any harming of Israeli  
16 civilians.

17 Q. Show the witness this document,  
18 and there is an extra copy for Mr. Hibey.

19 (Whereupon, the aforementioned  
20 document was marked as Plaintiff's  
21 Exhibit 6 for identification as of  
22 this date by the Commissioner.)

23 Q. Take a look at Exhibit 6, is  
24 that a document you have ever seen?

25 A. (Translator.) Before this, no.

1 HUSSEIN AL SHEIKH

2 Q. Do you recognize the person who  
3 signed the document?

4 A. (Translator.) If what you mean  
5 is Amne Hudiye, I do not know.

6 Q. There are several different  
7 handwritings on this document. Below the  
8 signature there is a handwriting. I'm  
9 referring to the very bottom page. Do you  
10 know who wrote that?

11 A. (Translator.) No.

12 Q. Can you read the signature? Do  
13 you recognize it?

14 A. (Translator.) Even under a  
15 microscope I cannot tell.

16 Q. At the very top, just above  
17 where it says Palestinian National  
18 Authority, there is handwriting. Do ou  
19 know whose handwriting that is?

20 A. (Translator.) Of course not.

21 Q. How about on the left,  
22 underneath the date?

23 A. (Translator.) No, I do not  
24 know.

25 Q. Between 2000 and 2004, did the

1 HUSSEIN AL SHEIKH

2 Palestinian Authority have a Ministry for  
3 prisoners and freedom fighters, and I can  
4 show you that written in Arabic.

5 A. (Translator.) Yes, as I  
6 recall.

7 MR. NAIM: But this isn't what  
8 he said -- there is something he said  
9 in the translation into Arabic.

10 MR. TOLCHIN: Let's end the  
11 tape and we'll clarify that. I will  
12 re-ask this question.

13 MS. GITLIN: The tape is ending  
14 at 9:12 p.m.

15 (A recess transpired.)

16 MS. GITLIN: We are going back  
17 on the record. This is tape number  
18 8. This is the Commissioner Amy  
19 Gitlin. My business address is Nahal  
20 Katlav 7/3 Bet Shemesh, Israel. The  
21 Deponent's name is Hussein Al Sheikh.  
22 This is taking place in Jerusalem,  
23 Israel, on April 1, 2009, beginning  
24 at 9:15 p.m.

25 Q. I'm just going to re-ask the



1 HUSSEIN AL SHEIKH

2 last question for the sake of the record.

3 We can disregard the last question I asked.

4 Between 2000 and 2004, was  
5 there a body that was called -- I would  
6 like the Interpreter to read it in Arabic.

7 MR. SHEHADEH: Wizaret el Assra  
8 wal Muchararin.

9 Q. What does that mean?

10 MR. SHEHADEH: Ministry of  
11 Prisoners and Released Prisoners.

12 Q. Was there such a body?

13 A. (Translator.) I do not recall  
14 if it was an Authority or a Ministry, but I  
15 remember that it existed.

16 Q. Does it still exist today?

17 A. (Translator.) Today it is a  
18 Ministry.

19 Q. And, briefly, what is the  
20 purpose of this Ministry?

21 A. (Translator.) To rehabilitate  
22 released Palestinian prisoners on the  
23 economical, social, employment level.

24 Q. What does this Ministry  
25 actually do with prisoners and released

1 HUSSEIN AL SHEIKH

2 prisoners?

3 A. (Translator.) This Ministry is  
4 connected with many other international  
5 organizations, European and American. The  
6 purpose of it is to rehabilitate the  
7 prisoners and to integrate within the  
8 community. This is the strategic aim of  
9 it.

10 Q. Does this Ministry involve  
11 itself with prisoners and former prisoners  
12 of Israel?

13 A. (Translator.) Yes, of course,  
14 where there are Palestinian prisoners,  
15 others than in Israel.

16 Q. Yes, but you told us that you  
17 had 600 Palestinian prisoners in the West  
18 Bank from Hamas.

19 A. (Translator.) That situation  
20 is totally different.

21 Q. So this Ministry is involved  
22 specifically with prisoners in Israel?

23 A. (Translator.) And the  
24 prisoners of the PLO only.

25 Q. You mean it is involved with

1 HUSSEIN AL SHEIKH

2 people who were members of Fatah?

3 A. (Translator.) This Ministry  
4 only deals with prisoners of Fatah, the  
5 Democratic Front, the Popular Front, but  
6 not with Hamas or Jihad prisoners.

7 Q. If a Fatah member is arrested  
8 in Israel for shoplifting, and was put in  
9 prison for a theft, would that Ministry be  
10 involved with that prisoner?

11 MR. McALEER: Objection as to  
12 form.

13 A. (Translator.) This Ministry is  
14 not involved with civil Criminal prisoners.

15 Q. What type of prisoners is this  
16 Ministry involved with?

17 A. (Translator.) Political  
18 prisoners.

19 Q. By political prisoners, you are  
20 referring to people who were charged by  
21 Israel with security crimes or crimes  
22 related to resistance?

23 MR. McALEER: Objection as to  
24 form.

25 A. (Translator.) Am I the one who

1 HUSSEIN AL SHEIKH  
2 imprisoned them, or Israel? Israel is the  
3 one who imprisoned them, and Israel is only  
4 the one who allows them to receive  
5 cigarettes and other things.

6 Q. When a Fatah member, for  
7 example, is imprisoned in Israel for  
8 political crime, does this Ministry give  
9 money to the prisoner or to the prisoner's  
10 family?

11 MR. McALEER: Objection as to  
12 form.

13 Q. You can answer it.

14 A. With accordance with the  
15 Israelis, it gives money for all the  
16 detainees of the PLO by agreement with  
17 Israel. Because Israel is considered, her  
18 part has ended by questioning them and  
19 imprisoning them, and that's it. And it  
20 considers supplying food and the ability to  
21 buy as part of the Humanitarian Aid.

22 Q. If a member of Fatah was  
23 imprisoned by Israel for carrying out  
24 violent attacks on civilians, would the  
25 Ministry give money to that prisoner or his

1 HUSSEIN AL SHEIKH

2 family?

3 A. (Translator.)

4 MR. McALEER: Objection as to  
5 form.

6 A. (Translator.) The Ministry  
7 gives money to all PLO prisoners. Now,  
8 whatever the sentence, Israel has given it,  
9 sees that he is punished for it already.

10 Q. So the answer to my question is  
11 yes.

12 MR. McALEER: Objection as to  
13 form.

14 A. (Translator.) Yes.

15 Q. Does this Ministry make  
16 payments to widows and orphans of PLO  
17 members of Fatah members who are killed in  
18 activities against Israel?

19 MR. McALEER: Objection as to  
20 form.

21 A. (Translator.) I do not know.  
22 I do not know if it gives any.

23 Q. So between 2000 and 2004, did  
24 the PA support violence against Israelis?

25 MR. McALEER: Objection as to

1 HUSSEIN AL SHEIKH

2 form.

3 A. (Translator.) The Palestinian  
4 Authority always issued statements against  
5 violence and against any violence committed  
6 against any Israeli civilians. And  
7 sometimes the Palestinian Authority will  
8 declare a ceasefire but was not able to  
9 implement it on the ground. But the  
10 Palestinian Authority believes that  
11 violence is prohibited by both sides.

12 Q. Sir, before you came here  
13 today, did you take any steps to inform  
14 yourself what this case is about?

15 A. (Translator.) I never heard of  
16 this case until I met the lawyers.

17 Q. When did you meet the lawyers?  
18 When are you referring to?

19 A. (Translator.) The first time?

20 Q. Yes.

21 A. (Translator.) About a month  
22 ago, approximately.

23 Q. Are you referring to Mr. Hibey?

24 A. (Translator.) No, the first  
25 time he was not there.

1 HUSSEIN AL SHEIKH

2 Q. Who was there?

3 A. (Translator.) I do not  
4 remember the names. It is hard for me to  
5 remember names, especially in English.

6 Q. Did you ask anyone in the  
7 Palestinian Authority -- not your  
8 lawyers -- what this case is about?

9 A. (Translator.) None of them. I  
10 only asked the lawyers.

11 Q. Did you ask anybody in the  
12 Palestinian Authority whether there was a  
13 report or an investigation about what this  
14 case is about?

15 A. (Translator.) Never ever. The  
16 area of the Gaza Strip was never under my  
17 supervision. I have never been responsible  
18 for Gaza until I received the  
19 responsibility over the Civil Affairs in  
20 2005. I have never been responsible over  
21 Gaza, not even during my contacts with  
22 Fatah nor when I was in the Palestinian  
23 Authority.

24 Q. Are you aware that something  
25 happened to Mr. Saperstein?

1 HUSSEIN AL SHEIKH

2 A. (Translator.) I do not know at  
3 all. I have only known about it when I met  
4 the lawyers.

5 Q. After you found out that  
6 something happened to Mr. Saperstein, did  
7 you ask anybody within the Palestinian  
8 Authority of Fatah to tell you what  
9 happened to him?

10 A. (Translator.) I asked nobody.

11 Q. The remaining questions that I  
12 have, I have a few names. I just want to  
13 ask you. For each name, if you can just  
14 tell me who this is and what position does  
15 he hold today with the PA, with the PLO,  
16 Fatah: Ismail Hasam Abu Jabar?

17 A. (Translator.) Ismail Hassan  
18 Abu Jabar is the assistant of the President  
19 Abu Mazen for the National Security  
20 Affairs.

21 Q. Is he also known as Haj Ismail  
22 Jabar?

23 A. (Translator.) Yes.

24 Q. And Abu Alla Mansur?

25 A. (Translator.) He was the



1 HUSSEIN AL SHEIKH

2 Secretary of Fatah in Ramallah.

3 Q. Does he have a position  
4 anywhere today?

5 A. (Translator.) No, there were  
6 elections and he left.

7 Q. Do you know where he lives  
8 today?

9 A. (Translator.) I think in  
10 Ramallah.

11 Q. Does he work for the PA today?

12 A. (Translator.) I do not know.

13 Q. Somebody named Al Majidah?

14 A. (Translator.) Of course.

15 Q. Is that Abdul Razak Al Majidah?

16 A. (Translator.) Correct.

17 Q. Who is Abdul Razak Al Majidah?

18 A. (Translator.) He was  
19 responsible for National Security in the  
20 West Bank.

21 Q. I forget if I asked you this.  
22 Is Al Majidah employed by the Palestinian  
23 Authority today?

24 A. (Translator.) I think so. I  
25 believe so.

1 HUSSEIN AL SHEIKH

2 Q. Do you know what he does for  
3 the PA?

4 A. (Translator.) He is in Gaza  
5 now.

6 Q. He is employed by the PA in  
7 Gaza?

8 A. (Translator.) He is under the  
9 occupation of Hamas in Gaza.

10 Q. Al Haj Maslach?

11 A. (Translator.) Of course I know  
12 him.

13 Q. Who is that?

14 A. (Translator.) He was  
15 responsible for the administration and  
16 organization. He was responsible for the  
17 Palestinian Security Administration and  
18 Organization forces.

19 Q. What does he do today?

20 A. (Translator.) Nothing.

21 Q. Where is he today?

22 A. (Translator.) Maybe abroad.  
23 Most of the time I think he is probably in  
24 Egypt. He is an old man.

25 Q. Nabil Amru?

1 HUSSEIN AL SHEIKH

2 A. (Translator.) Our Ambassador  
3 in Cairo.

4 Q. He is an Ambassador for the PA?

5 A. When I say our Ambassador, I  
6 mean in the capacity as the Civil Affairs  
7 Minister, the Ambassador of the PA.

8 Q. Dr. Ramzi Khouri?

9 A. (Translator.) He is in charge  
10 of the National Fund of the PLO.

11 Q. What is the National Fund of  
12 the PLO?

13 A. (Translator.) I have no idea.  
14 I have no information about it.

15 Q. Is he employed by the  
16 Palestinian Authority?

17 A. I think he is appointed by the  
18 PLO because this is the National Fund for  
19 the PLO and not for the PA.

20 Q. Dr. Abu Sharia?

21 A. (Translator.) He was the  
22 Director of the GPC, General Personnel  
23 Council.

24 Q. What is he today?

25 A. (Translator.) He left.

1 HUSSEIN AL SHEIKH

2 Nothing.

3 Q. Marwan Zalum?

4 A. (Translator.) I do not know.

5 Q. Ziad Al Rajub?

6 A. (Translator.) He works

7 nowadays at the Ministry of Wakaf.

8 Q. That is part of the PA?

9 A. (Translator.) Yes, of course.

10 Q. Hamdi Al Dardush?

11 A. (Translator.) I do not

12 remember.

13 Q. Bashir Nafa?

14 A. (Translator.) May he rest in

15 peace.

16 Q. Who was he?

17 A. (Translator.) He was

18 responsible for the special Security Forces

19 in the National Security.

20 MR. TOLCHIN: Saadi, do you

21 have any questions?

22 MR. SAADI: Can we take five

23 minutes?

24 MR. HIBEY: Just to be clear,

25 did you finish your questions?

1 HUSSEIN AL SHEIKH

2 You're passing the witness?

3 MR. TOLCHIN: Yes.

4 MS. GITLIN: We are off the  
5 record at 9:37 p.m.

6 (Whereupon, a short recess was  
7 taken.)

8 MS. GITKIN: We are back on the  
9 record at 9:51 p.m.

10 MR. HIBEY: No questions. I  
11 would like to have him excused. We  
12 have some housekeeping chores, and  
13 that will be it.

14 MS. GITKIN: I am just going to  
15 put on the record that the deposition  
16 is now officially finished of Mr.  
17 Hussein Al Sheikh deposition is now  
18 finished.

19 THE WITNESS: (Translator.)  
20 Thank you very much.

21 MR. TOLCHIN: Do we have this  
22 on the record?

23 MR. HIBEY: He has some  
24 housekeeping to do. Just my  
25 understanding that the exhibits that

1 HUSSEIN AL SHEIKH

2 were presented to the witness have  
3 been given to the Commissioner, and  
4 the Commissioner does what?

5 MR. TOLCHIN: I think she will  
6 do whatever we agree to.

7 MR. HIBEY: And that is  
8 something we do not have to spell on  
9 the record. We will just have an  
10 agreement as to how you want to  
11 handle that.

12 MR. TOLCHIN: Let me ask you  
13 this, Madame Commissioner; do you  
14 have a scanner?

15 MS. GITKIN: I have access to a  
16 scanner, if need be.

17 MR. HIBEY: I have no problem  
18 of you recovering the exhibits  
19 yourself, and making sure that we may  
20 get a copy of the exhibits.

21 MR. TOLCHIN: Why don't we do  
22 that, that is the easier thing. I  
23 can take the exhibits with me.

24 MR. HIBEY: Yes.

25 MR. TOLCHIN: I will scan them

1 HUSSEIN AL SHEIKH  
2 once I arrive back in New York,  
3 unless I can find a way to do it here  
4 before I go. It's doubtful.

5 MR. HIBEY: I don't think it's  
6 that time sensitive. It can wait  
7 until you're back, back in your  
8 office.

9 MR. TOLCHIN: And you already  
10 have the disk.

11 MR. HIBEY: We have the disk.

12 Secondly, I would like to  
13 understand what is going to be  
14 happening with the tapes?

15 MR. TOLCHIN: Let's go to the  
16 man back in the room, because he was  
17 involved in setting that up.

18 MR. HIBEY: While we're waiting  
19 for him, let me make a request.

20 MR. TOLCHIN: I thought you are  
21 going to offer a song.

22 MR. HIBEY: I don't know how to  
23 sing, I'm tired. I don't want to  
24 offend anyone's ears. Let me press  
25 on, if I may. May I request that

1 HUSSEIN AL SHEIKH  
2 until we receive the product, these  
3 proceedings will be considered  
4 confidential, under seal, until such  
5 time we are able to review this  
6 material.

7 MR. TOLCHIN: Is it your  
8 intention to review the transcripts  
9 and designate portions which you wish  
10 to be treated as confidential?

11 MR. HIBEY: No.

12 MR. TOLCHIN: Ultimately.

13 MR. HIBEY: Ultimately it may  
14 come to that, but I'm only asking for  
15 time for us to be able to review the  
16 product. In usual practice a  
17 transcript is prepared. It is  
18 submitted to the witness. He gets an  
19 opportunity to review it, to  
20 determine whether it is accurate,  
21 with the possible production of an  
22 Errata Sheet.

23 I just do not know what the  
24 product is of this exercise, because  
25 I will be frank to tell you I have



1 HUSSEIN AL SHEIKH  
2 not participated in a deposition  
3 proceeding where there hasn't been a  
4 stenographer. I understand the rules  
5 which allow for this procedure, the  
6 one we've just been going through.  
7 That is not my complaint.

8 MR. TOLCHIN: You've probably  
9 done Hearings in Court without a  
10 stenographer though.

11 MR. HIBEY: Only if that  
12 informality is agreed to ahead of  
13 time.

14 MR. TOLCHIN: Many courts have  
15 a similar system like this. It's  
16 recorded and then if you order the  
17 transcript, the recording is sent out  
18 to a transcription service.

19 MR. HIBEY: And you really get  
20 an interesting product.

21 MR. TOLCHIN: With some Court  
22 reporters too.

23 MR. HIBEY: In my experience  
24 not as inaccurate. So I'm asking if  
25 we can have this embargo on public

1 HUSSEIN AL SHEIKH  
2 usage pending receipt and review of  
3 these materials.

4 MR. TOLCHIN: I don't think  
5 this is a problem, assuming you  
6 timely review it. It's not going to  
7 linger in review for --

8 MR. HIBEY: No, it will not. I  
9 can assure you of that.

10 MR. TOLCHIN: Is there any  
11 reason we want to use for anything --

12 MR. HIBEY: Well, if we can  
13 agree to a period of time within  
14 which our review should be completed,  
15 I will do that. We're not looking to  
16 create any undue delay.

17 MR. TOLCHIN: How long do you  
18 think will be a reasonable period of  
19 time?

20 MR. HIBEY: When do we receive  
21 it?

22 MR. TOLCHIN: From whenever you  
23 receive it?

24 MR. HIBEY: Yeah.

25 MR. TOLCHIN: Let's assume you

1 HUSSEIN AL SHEIKH

2 receive it on Day X.

3 MR. HIBEY: I would say three  
4 weeks would be perfect. That will  
5 give us the opportunity to review it.

6 MR. TOLCHIN: I think that is  
7 reasonable.

8 MR. HIBEY: The accuracy.

9 MR. TOLCHIN: I think his point  
10 is that ordinarily we get a  
11 deposition transcript. There's a  
12 period of time where the transcript  
13 is submitted to the witness and he  
14 has a chance to review it and submit  
15 it. This is going to get  
16 transcribed, so it has to work.

17 What happens to the video  
18 itself?

19 MR. McALEER: We put it in a  
20 DVD.

21 MR. TOLCHIN: It can fit on one  
22 DVD?

23 MR. McALEER: It can, the best  
24 quality.

25 MS. GITLIN: So the agreement

1 HUSSEIN AL SHEIKH

2 is that Mr. Tolchin is going to take  
3 possession of the Exhibits and send  
4 them to Defendant's attorney as soon  
5 as he can, and we have agreed, so  
6 that the video will remain  
7 confidential.

8 MR. TOLCHIN: The deposition  
9 itself. The video transcript will be  
10 given to Mr. Hibey, and he will have  
11 three weeks to review it and tell us  
12 if there is any issues he wants to  
13 raise. That is corrections, accuracy  
14 of the transcript, or anything else.

15 MR. HIBEY: Yes.

16 MR. TOLCHIN: And after those  
17 three weeks, having heard nothing  
18 from you, we can make any appropriate  
19 use of the transcript.

20 MR. HIBEY: I think, out of  
21 caution, we will respond to you so  
22 you will know what is our position.

23 MR. TOLCHIN: If based on  
24 something we heard today, we wanted  
25 to, for example, present a portion of

1 HUSSEIN AL SHEIKH  
2 the transcript to a judge, how would  
3 you like to handle that?

4 MR. HIBEY: If we're doing  
5 within that three-week period, I  
6 think we ought to do it under a  
7 protective order or discuss it  
8 amongst ourselves.

9 MR. TOLCHIN: If something  
10 comes up, I can tell when I want to  
11 use the transcript.

12 MR. HIBEY: Yes, sir.

13 (Continued on next page to  
14 include jurat.)  
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25

1 HUSSEIN AL SHEIKH

2

3 MR. TOLCHIN: That's a  
4 possibility, because of the time  
5 frame. We may want to get things  
6 going, or we can file that under  
7 seal.

8 MR. HIBEY: Yes.

9 MS. GITLIN: We're finished,  
10 thank you.

11 (Whereupon, at 10:00 p.m., the  
12 Above Matter concluded.)

13

14

15 \_\_\_\_\_  
Hussein Al Sheikh

16

17 Subscribed and sworn to before me  
18 this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

19

20 \_\_\_\_\_  
NOTARY PUBLIC

21

22

23

24

25

1 HUSSEIN AL SHEIKH

2 E X H I B I T S

3

4 PLAINTIFF'S EXHIBITS:

5

6 EXHIBIT EXHIBIT PAGE

7 NUMBER DESCRIPTION

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9 1 Video 179

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11 2 Document discussing  
12 Affairs of Fatah 188

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14 3 Unknown ---

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21 6 List of Names 206

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12 I, Kerrianne Marashaj, a Notary  
13 Public for and within the State of New  
14 York, do hereby certify that the above is a  
15 correct transcription of my stenographic  
16 notes taken from  
17 Audio tapes.

18  
19 Kerrianne Marashaj  
Kerrianne Marashaj  
20  
21  
22  
23  
24  
25



## Diamond Errata Sheet

Plaintiff(s):

Defendant(s):

[illegible]

Date: \_\_\_\_\_

Name of Witness:

Signature: \_\_\_\_\_

Subscribed and sworn to before me

This \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_

Notary Public

BSA

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Look-See(1)

**Look-See Concordance Report**

UNIQUE WORDS: 2,447  
TOTAL OCCURRENCES: 11,235  
NOISE WORDS: 384  
TOTAL WORDS IN FILE: 29,858

**SINGLE FILE CONCORDANCE****CASE SENSITIVE****INCLUDES ALL TEXT OCCURRENCES****DATES ON****INCLUDES PURE NUMBERS****POSSESSIVE FORMS ON****- DATES -**

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